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7 Attorneys for Defendant
8 MENU FOODS, INC., a New Jersey corporation

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 ROBERT PAYNE and STEVE
13 BARTILUCCI,

14 Plaintiffs,

15 v.

16 MENU FOODS, INC., a New Jersey
17 corporation, PETCO ANIMAL SUPPLIES,
18 INC.; a Delaware corporation, SAFEWAY,
19 INC., a Delaware corporation, THE
20 PROCTOR & GAMBLE COMPANY, a
21 Ohio corporation, and DOES 1 through 50,

22 Defendants.

CASE NO. 07cv0705 JAH (CAB)

23 DEFENDANT MENU FOODS, INC.'S
24 NOTICE OF MOTION AND MOTION TO
25 STAY ALL PROCEEDINGS

26 DATE: May 31, 2007
27 TIME: 3:00 p.m.
28 CTROOM: 11
JUDGE: Hon. John A. Houston
TRIAL DATE: Not Set

29 NOTICE IS HEREBY GIVEN that on May 31, 2007, at 3:00 p.m.,
30 or as soon thereafter as counsel may be heard, before the Honorable John A. Houston, in
31 Courtroom 11 of the above-entitled Court, located at 940 Front Street, San Diego, California,
32 defendant MENU FOODS, INC. will, and hereby does, move to stay all proceedings in this
33 matter.

34 This Motion is based upon this Notice and Motion; the Memorandum of Points and
35 Authorities served and filed herewith; the Notice of Lodgment, and all exhibits attached thereto,
36 served and filed therewith, and on all matters of which the court may take judicial notice; on all

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1 pleadings and records filed in this action; and on such evidence as may be presented at or before
2 the hearing on this matter.

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DATED: April 23, 2007

HIGGS, FLETCHER & MACK LLP

By: /s/ Susan M. Hack
SUSAN M. HACK, ESQ.
Attorneys for Defendant
MENU FOODS, INC., a New Jersey
corporation

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